IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 7596 OF 2004.

Nilappa Revansiddha Nadvinangal. .... Petitioner.
versu.
Fatruddin Ramzan Paik. .... Respondent.

Shri V.B.Naik for the Petitioner.

CORAM : ABHAY S.OKA, J.

DATED : 9th December, 2004.

P.C.:

1. By this Petition under Article 227 of the Constitution of India, the Defendant in a pending suit for removal of encroachment has challenged the order dated 16th April 2004 passed below application Exh.43. The Application Exh.43 was for framing an additional issue and for referring the said issue to the Consolidation Officer. The order impugned is interlocutory in nature which can always be challenged in an appeal which may be preferred by the Petitioner against the decree which may be passed in the suit. Hence this petition is not entertained. The same is rejected. Rejection of this petition will not preclude the Petitioner from prosecuting the Application dated 2nd November 2000 (Exh.E), if the same is pending before the concerned authority.

2. Parties and the concerned Court to act on the authenticated copy of this order.

Judge.